

Syllabus

UNITED STATES ET AL. *v.* TEXAS ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

No. 15–674. Argued April 18, 2016—Decided June 23, 2016
809 F. 3d 134, affirmed by an equally divided Court.

Solicitor General Verrilli argued the cause for petitioners. With him on the briefs were *Principal Deputy Assistant Attorney General Mizer*, *Deputy Solicitors General Gershengorn* and *Kneedler*, *Deputy Assistant Attorney General Brinkmann*, *Zachary D. Tripp*, *Douglas N. Letter*, *Scott R. McIntosh*, and *Jeffrey Clair*.

Thomas A. Saenz argued the cause for intervenor-respondents. With him on the briefs were *Nina Perales* and *Linda J. Smith*.

Scott A. Keller, Solicitor General of Texas, argued the cause for respondents. With him on the brief were *Ken Paxton*, Attorney General, *Jeffrey C. Mateer*, First Assistant Attorney General, *J. Campbell Barker*, Deputy Solicitor General, and *Ari Cuenin* and *Alex Potapov*, Assistant Solicitors General.

Erin Murphy argued the cause for the United States House of Representatives as *amicus curiae* urging affirmance. With her on the brief were *Kerry W. Kircher*, *William Pittard*, *Eleni M. Roumel*, and *Isaac Rosenberg*.*

*Briefs of *amici curiae* urging reversal were filed for the State of Washington et al. by *Robert W. Ferguson*, Attorney General of Washington, *Noah Guzzo Purcell*, Solicitor General, and *Anne E. Egeler*, Deputy Solicitor General, and by the Attorneys General for their respective jurisdictions as follows: *Kamala D. Harris* of California, *George Jepsen* of Connecticut, *Matthew P. Denn* of Delaware, *Karl A. Racine* of the District of Columbia, *Douglas S. Chin* of Hawaii, *Lisa Madigan* of Illinois, *Thomas J. Miller* of Iowa, *Janet T. Mills* of Maine, *Brian E. Frosh* of Maryland, *Maura Healey* of Massachusetts, *Hector H. Balderas* of New Mexico, *Eric T. Schneiderman* of New York, *Ellen F. Rosenblum* of Oregon, *Peter F. Kilmartin* of Rhode Island, *William H. Sorrell* of Vermont, and *Mark*

Per Curiam

PER CURIAM.

The judgment is affirmed by an equally divided Court.

R. Herring of Virginia; for Administrative Law Scholars by *Derek T. Ho*; for the American Federation of Labor and Congress of Industrial Organizations by *Lynn K. Rhinehart*, *Harold C. Becker*, and *Matthew J. Ginsburg*; for the American Immigration Council et al. by *Jonathan Weissglass*, *Stacey M. Leyton*, *Judith A. Scott*, *Deborah L. Smith*, *Melissa Crow*, *Marielena Hincapié*, *Linton Joaquín*, *Karen C. Tumlin*, *Penda D. Hair*, *Wade J. Henderson*, *Lisa M. Bornstein*, and *Juan Cartagena*; for Bipartisan Former Members of Congress by *Elizabeth B. Wydra*, *Brianne J. Gorod*, and *Simon Lazarus*; for California Business, Civic, Educational, and Religious Figures and Institutions by *Bradley S. Phillips* and *Benjamin J. Horwich*; for Educators and Children's Advocates by *Matthew E. Price*, *Matthew S. Hellman*, and *Michael W. Ross*; for Faith-based Organizations by *Benjamin G. Shatz*; for Former Commissioners of the United States Immigration and Naturalization Service by *Neal Kumar Katyal*; for Former Federal Immigration and Homeland Security Officials by *Michael J. Gottlieb* and *Martin S. Lederman*; for *Gonzalez Olivieri LLC* et al. by *Raed Gonzalez*, *Naimeh Salem*, *Bruce Godzina*, *Curtis White*, *Brian K. Bates*, and *Alexandre I. Afanassiev*, all *pro se*; for the Major Cities Chiefs Association et al. by *Mark W. Mosier*, *David M. Zions*, *Matthew J. Piers*, and *Joshua Karsh*; for the Mayor of New York et al. by *Zachary W. Carter*, *Richard Dearing*, *Michael N. Feuer*, *James P. Clark*, *Wendy Shapero*, and *Thomas Bentley III*; for Members of the Business Community by *Boris Bershteyn*, *Clifford M. Sloan*, *David A. Wilson*, and *Kristin Linsley Myles*; for National Justice for our Neighbors et al. by *Charles Shane Ellison*; for the National Queer Asian Pacific Islander Alliance, Inc., et al. by *James W. Kim*, *Lisa A. Linsky*, and *Joshua D. Rogaczewski*; for Professional Economists et al. by *Justin Florence*, *Douglas Hallward-Driemeier*, and *Jonathan Ference-Burke*; for United We Dream by *Alan E. Untereiner*; for Walter Dellinger by *Joseph R. Palmore* and *Seth W. Lloyd*; and for 186 Members of the House of Representatives et al. by *Seth P. Waxman*, *Jamie S. Gorelick*, *Paul R. Q. Wolfson*, *David M. Lehn*, and *Kenneth L. Salazar*.

Briefs of *amici curiae* urging affirmance were filed for the State of Wyoming by *Peter K. Michael*, Attorney General of Wyoming, *John G. Knepper*, Chief Deputy Attorney General, *David L. Delicath*, Deputy Attorney General, *James Michael Causey* and *Christyne M. Martens*, Senior Assistant Attorneys General, *Philip Murphy Donoho*, Assistant Attorney General, and *Katherine A. Adams*; for the American Center for Law & Justice et al. by *Jay Alan Sekulow*, *Stuart J. Roth*, *Colby M. May*, *Jordan*

Per Curiam

Sekulow, Craig L. Parshall, and Benjamin P. Sisney; for the Cato Institute et al. by Ilya Shapiro, Randal J. Meyer, and Josh Blackman; for the Center for Constitutional Jurisprudence by John C. Eastman and Anthony T. Caso; for Citizens United et al. by William J. Olson, Herbert W. Titus, Jeremiah L. Morgan, John S. Miles, and Michael Boos; for the Eagle Forum Education & Legal Defense Fund by Lawrence J. Joseph; for Federal Courts Scholars et al. by Ernest A. Young and Kimberly S. Hermann; for Former Homeland Security, Justice, and State Department Officials by Peter Margulies; for Former U.S. Attorneys General by David B. Rivkin, Jr., and Andrew M. Grossman; for the Foundation for Moral Law by John A. Eidsmoe; for Governor Greg Abbott of Texas et al. by Michael W. McConnell, James D. Blacklock, Andrew S. Oldham, and Arthur C. D'Andrea; for the Immigration Reform Law Institute et al. by Dale L. Wilcox and Michael M. Hethmon; for the Justice and Freedom Fund by James L. Hirsen and Deborah J. Dewart; for Legal Scholars et al. by Ashley C. Parrish, James P. Sullivan, C. Boyden Gray, and Carrie Severino; for Joseph M. Arpaio by Larry Klayman; for the Mountain States Legal Foundation by Steven J. Lechner; for the National Federation of Independent Business Small Business Legal Center by William S. Consovoy, J. Michael Connolly, and Karen R. Harned; for the National Sheriffs' Association et al. by Gene C. Schaerr, S. Kyle Duncan, and Greg Champagne; for North Carolina Lt. Governor Daniel J. Forest by David Stevenson Walker II; for Save Jobs USA et al. by John M. Miano; and for Senate Majority Leader Mitch McConnell et al. by Steven A. Engel and Joshua D. N. Hess.